

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Revision of the Commission's Rules )  
To Ensure Compatibility with )  
Enhanced 911 Emergency Calling Systems )

CC Docket No. 94-102  
RM-8143

To: Chief, Wireless Telecommunications Bureau

**REQUEST FOR WAIVER OF  
NORTHCOAST COMMUNICATIONS, LLC**

Northcoast Communications, LLC,<sup>1</sup> by its counsel and pursuant to Section 24.819(a) of the Commission's rules<sup>2</sup> and FCC Order DA 98-2323 (released November 13, 1998) (the "Order"), hereby requests a waiver of Section 20.18(c) of the Commission's rules, which requires digital wireless CMRS licensees to enable TTY users to access 9-1-1 over their systems by the Commission's revised deadline of December 31, 1998. Northcoast requests that it be granted a waiver of Section 20.18(c) until at least the fourth quarter of 1999, or possibly later, as deemed necessary based on industry developments.

Northcoast, like many other digital PCS and cellular licensees, has been working with its equipment manufacturers regarding the development of voice-based and data-based

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<sup>1</sup> Northcoast holds 49 D, E and F Block broadband PCS licenses, which will operate as digital wireless systems. The service areas associated with these licenses are primarily located in the northeastern United States and the Cleveland metropolitan area. While Northcoast presently is not yet providing commercial digital wireless service to any customers, it currently is testing its digital wireless system in the Cleveland area. Because Northcoast is not yet a digital wireless "carrier", Northcoast does not believe that the TTY access requirements of Section 20.18(c) apply to it at this time. However, Northcoast is filing this waiver request in the event that it becomes a carrier before this matter is resolved.

<sup>2</sup> 47 C.F.R. § 24.819(a).

solutions to the problems associated with transmitting TTY calls over digital wireless systems. While Northcoast has yet to choose an infrastructure provider, it has purchased a limited amount of CDMA equipment from Lucent Technologies ("Lucent") for evaluation purposes. Northcoast has conveyed to its vendors its commitment and need to comply with the TTY access requirements of Section 20.18(c) of the rules. Furthermore, Northcoast commits to the Commission that when an industry solution to the TTY access issue is developed, Northcoast will incorporate that solution into its digital wireless system as soon as is reasonably possible.

In order to respond to the specific questions posed by the Commission in paragraph 11 of its November 13 Order, Northcoast asked Lucent to provide it with Lucent's current assessment of where Lucent's technology stands, from a TTY access compliance standpoint. The attached response from Lucent responds to the Commission's three questions necessary to justify a waiver.<sup>3</sup>

However, given the fact that, presently, compliance with this rule is impossible for virtually the entire digital wireless industry, waiver is also justified under the FCC's general broadband PCS waiver rule. Specifically, under Section 24.819(a) of the rules, waivers may be granted upon request by the PCS licensee or by the Commission on its own motion. Further, "[w]aivers will not be granted except upon an affirmative showing:

- (i) That the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and that grant of the waiver is otherwise in the public interest; or

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<sup>3</sup> See Attachment A.

(ii) That the unique facts and circumstances of a particular case render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest. Applicants must also show the lack of a reasonable alternative.<sup>4</sup>

Finally, the rule also provides that if "the information necessary to support a waiver request is already on file, the applicant may cross-reference to the specific filing where it may be found."<sup>5</sup>

In the present situation, a waiver of the Section 20.18(c) TTY requirement is justified not only for Northcoast but the entire digital wireless service provider industry until such time as a voice-based or data-based solution to TTY access is developed for digital wireless carriers. Northcoast clearly is entitled to a waiver of the Section 20.18(c) requirement under the Section 24.819(a)(1)(ii) test that application of the rule here would be unduly burdensome since a technical solution to this industry-wide problem has not been developed. Furthermore, due to the fact TTY access is still an industry-wide problem, Northcoast has no reasonable alternative other than to seek a waiver of this rule. Finally, Northcoast also notes that the most current and complete information concerning industry TTY access implementation timetables already is on file with the Commission (i.e., the October 30, 1998 Workplan of the Wireless TTY Forum). Therefore, the Commission already has sufficient information upon which it can assess whether an industry-wide waiver is justified.


Accordingly, Northcoast respectfully requests that it be granted a waiver of Section 20.18(c) of the Commission's rules until such time as the digital wireless industry has developed equipment that supports TTY access to 9-1-1 services.

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<sup>4</sup> 47 C.F.R. § 24.819(a)(1).

<sup>5</sup> 47 C.F.R. § 24.819(a)(2).

Respectfully submitted,  
**NORTHCOAST COMMUNICATIONS, LLC**

By:   
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Its Attorney

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December 4, 1998

**ATTACHMENT A**

This letter is in response to your request for information regarding Text Telephone Devices (TTY) compatibility for Lucent Technologies' Autoplex System 1000 wireless system. Lucent has actively participated in industry and consumer forums focusing on the compatibility of Text Telephone Device (TTY) signals and digital wireless systems and has developed promising strategies to solve this difficult problem. Lucent also has closely followed the Federal Communications Commission's (FCC) activities regarding this proceeding and is aware that you must file a waiver request with the FCC by December 4, 1998 if your digital systems cannot transmit 911 TTY signaling.

Lucent Technologies is pursuing a receiver/repeater solution that utilizes the circuit switched data capabilities of our CDMA system. In November, 1998, Lucent presented the results of the receiver-repeater simulation to the Telecommunications Industry Association (TIA) and CDMA Development Group (CDG) where the findings were received with great interest. The contribution has since been forwarded to the Cellular Telecommunications Industry Association (CTIA) TTY Forum for consideration. Lucent's solution requires development of mechanisms to terminate TTY/TDD calls transparently, even when made in-band from wireline TTY devices, as well as new functions to route TTY calls through the CDMA system.

CDMA terminal functionality will also be required to implement this solution. Lucent is working with several vendors to simulate and develop a complete end-to-end solution for TTY compatibility. Based on our current development plan and the ability for a CDMA terminal vendor to provide the necessary terminal equipment for TTY compatibility, Lucent's CDMA system should be ready to support TTY functionality in the second half of 1999.

In the future, we will provide updated information regarding our progress in this matter. If you have additional questions, please feel free to contact Lucent's regulatory attorney, Diane Law Hsu, at (202) 756-7092. She is Lucent's coordinator for customer requests regarding 911 TTY digital wireless compatibility.